

ORIGINAL

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C.

In the Matter of)
)
Amendment of Section 73.606(b),)
Table of Allotments,)
Television Broadcast Stations)
(Geistown, Pennsylvania))

MM Docket No. _____
RM- _____

APR 24 1996

To: The Chief, Allocations Branch

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PETITION FOR RULE MAKING

Sinclair Communications of Geistown, Inc ("Petitioner"), by its attorneys and pursuant to Sections 1.401 and 73.3572 of the Commission's rules, hereby petitions the Commission to issue a Notice of Proposed Rule Making to amend Section 73.606(b), Table of Allotments, Television Broadcast Stations, to add Channel 69 to the Geistown, Pennsylvania television market. As discussed below, the allotment of Channel 69 to Geistown would further the Commission's goal of providing the community with its first local television allocation. Petitioner is simultaneously filing a petition for waiver of the temporary TV freeze. Petitioner is also simultaneously filing an FCC Form 301 application specifying Channel 69 at Geistown and requesting a waiver of the contingent application rule. That application signifies Petitioner's intent to promptly build the station if its application is granted.

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BACKGROUND

1. Section 307(b) of the Communications Act, as amended, requires that channel the Commission distribute frequencies among the several states and communities so as "to provide a fair, efficient and equitable distribution." Geistown, Pennsylvania easily qualifies as a community for allotment purposes.

2. Geistown, Pennsylvania is an incorporated community of 3,304 residents according to the 1990 U.S. Census. Geistown is a borough with its own government, which includes a mayor and an elected seven member council headed by a President and Vice President. Geistown collects its own property taxes, has its own volunteer fire department and has a bank, a doctor, retail establishments and two churches. Moreover, Geistown has a significant elderly population which would benefit from the diversity offered by a free over the air television station.

DISCUSSION

3. The Commission has long held that the provision of at least one television broadcast station to a community is paramount with regard to its television allotment priorities. Amendment of the Commission's Rules, Regulations and Engineering Standards Concerning the Television Broadcast Service, Sixth Report and Order, 41 FCC 148, 167 (1952). Geistown has no local commercial television station despite the fact that it clearly qualifies as a community for allotment purposes, as detailed above. The allotment of Channel 69 to Geistown would further the Commission's decades-old television allotment goal of providing a local television broadcast station to the community.

4. In addition to furthering the Commission's television allotment priorities, the allotment of Channel 69 to Geistown is consistent with the Commission's rules regarding minimum spacing requirements. As detailed in the attached Engineering Statement, the allotment of Channel 69 to Geistown would not violate the minimum spacing requirements.

5. Petitioner is requesting a waiver of the Commission's "temporary" freeze of television allotments in some areas of the nation. See Advanced Television Systems (Freeze of TV Table of Allotments), 76 RR 2d 843 (1987). As demonstrated in the Petition, a compelling public interest justification exists for granting a waiver of the freeze.

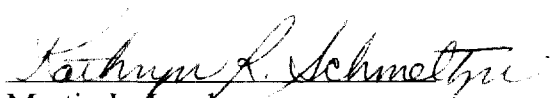
6. Petitioner has demonstrated that: (1) Geistown is a community for allotment purposes; (2) the allocation of Channel 69 to Geistown would further the Commission's long-standing goal of providing a first local television service to a community; (3) the allotment of Channel 69 would not violate the Commission's minimum spacing requirements between television stations; and (4) the Commission's temporary freeze of television station allotments in select markets should be waived so as to permit the allotment of Channel 69 to Geistown. Finally, Petitioner has submitted an application for Channel 69 if it is allotted to Geistown and will promptly build the station if its application is granted.

CONCLUSION

WHEREFORE, the premises considered. Sinclair Communications of Geistown, Inc. respectively requests the Commission to issue a Notice of Proposed Rule Making to amend Section 73.606(b). Table of Allotments, Television Broadcast Stations, to add Channel 69 to Geistown. Pennsylvania.

Respectfully submitted,

**SINCLAIR COMMUNICATIONS, OF
GEISTOWN, INC.**

By: 
Martin L. Leader
Kathryn R. Schmeltzer
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Its Attorneys

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July 24, 1996

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ENGINEERING EXHIBIT RM:

For Geistown, PA
CH 69

JUNE 14, 1996

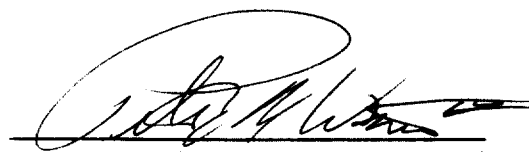
ENGINEERING STATEMENT IN SUPPORT OF A
PETITION FOR RULE MAKING
TO AMEND
THE TV TABLE OF ASSIGNMENTS

WES, INC.

DECLARATION

I, Pete E. M. Warren III, declare and state that I am a Certified Engineer, Class I, Senior, with Master Endorsement radiating and non-radiating, by The National Association of Radio and Telecommunications Engineers, Inc., and my qualifications are a matter of record with the Federal Communications Commission, and that I am an engineer in the firm of WES, Inc., and that the firm has been retained to prepare an engineering statement in support of a Petition to Amend the TV Table of Assignments.

All facts contained herein are true to my knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. All Exhibits were prepared by me or under my supervision. I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "Pete E. M. Warren III", is written over a horizontal line.

Pete E. M. Warren III

Executed on the 14th day of June, 1996

Narrative Statement

I. General

The purpose of this engineering statement is to support a request that the TV Table of Assignments be amended to add Ch. 69 at Geistown, PA. The proposed channel has no short-spacing as can be seen by the channel spacing study. A contingent application will be submitted.

It should be noted that the area in question is within 320 kilometers (200 miles) of a US Border and, therefore, foreign concurrence is required.

II. ENGINEERING DISCUSSION

A. Proposed site:

We propose a site located at the following coordinates:

Latitude: 40 22 17

Longitude: 78 58 58

The allocation can be made within a wide area.

B. Channel Allocation Study

Exhibit 1 is a Channel Allocation Study of channel 69. The study indicates the required separation in kilometers to all known Licenses, Construction Permits, Open Allocations, pending Allocations, and pending Rule Makings.

Exhibit 2 is a map of the resulting arcs indicating minimum separation and a cross-hatched zone showing area to locate.

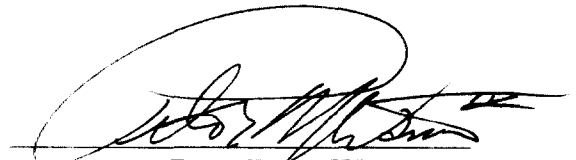
C. Public Interest Showing:

1. This would be the first allotment to Geistown, PA. The petitioner believes that the requested channel addition is in the Public Interest and, therefore, should be granted by the Commission.
2. An additional station in the area would allow for carriage of a fifth network.

III. SUMMARY

Petitioner request that the TV Table of Assignments be amended as follows:

City	Present	Proposed
Geistown, PA	None	690



Pete E.M. Warren III

June 14, 1996

EXHIBIT #1

CHANNEL ALLOCATION STUDY

by WES Inc.

TV CHANNEL SPACING STUDY

Job title: GEISTOWN

Channel: 69

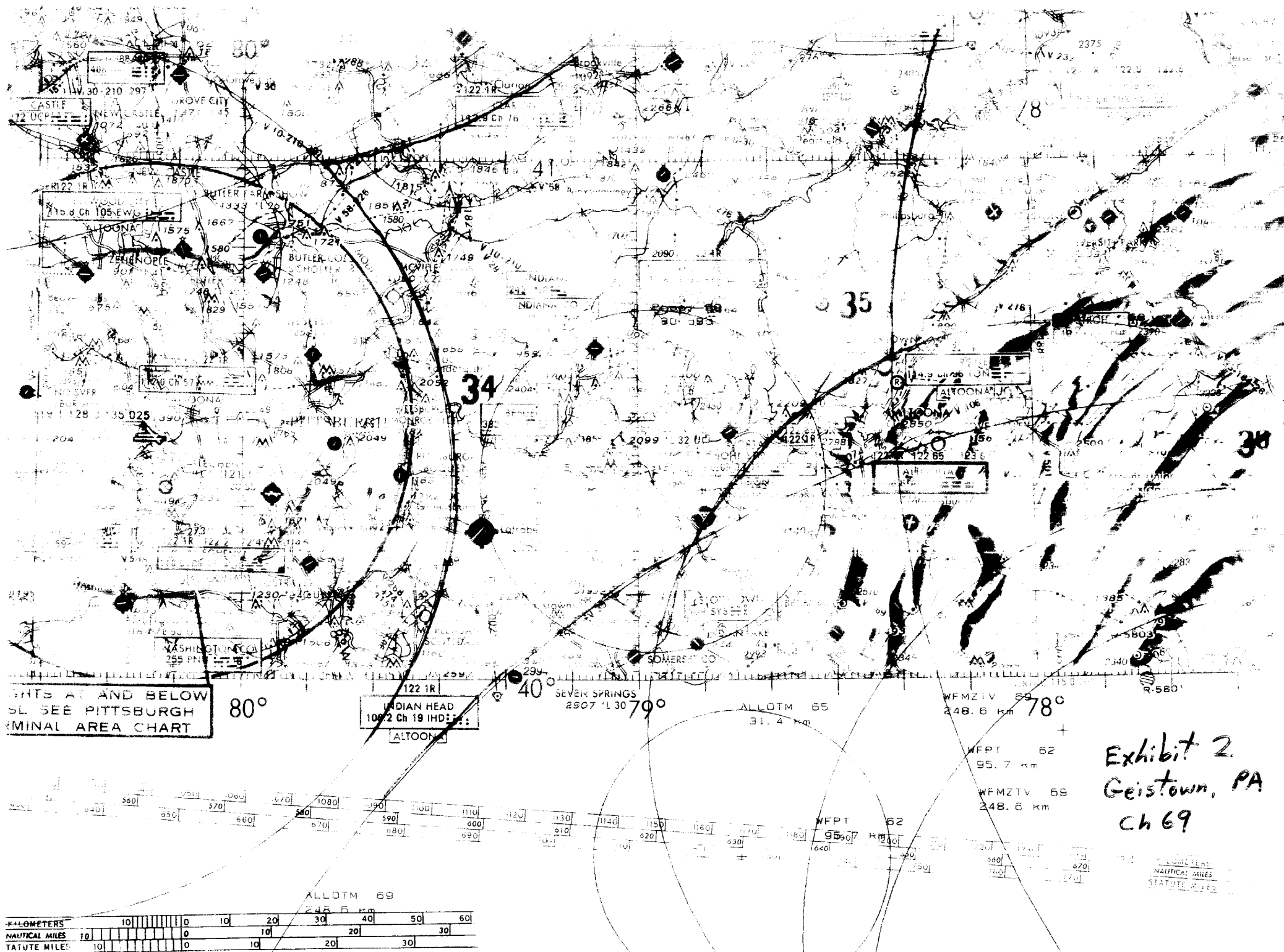
Database file name: c:\tvsrc\tv960524.edx

Latitude: 40 22 17

Longitude: 78 58 58

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
69+	ALLOTM	1385	FREDERICKSBURG	VA	1		149.9	264.3	248.6	15.7
68+	WJAL	1395	HAGERSTOWN	MD	1	L	121.4	101.6	87.7	13.9
62+	ALLOTM	2091	STEUBENVILLE	OH	1		270.1	138.6	95.7	42.9


***** End of channel 69 study *****



CERTIFICATE OF SERVICE

I, Margie Sutton Chew, a secretary in the law firm of Fisher Wayland Cooper Leader & Zaragoza L.L.P., do hereby certify that true copies of the foregoing **"PETITION FOR RULE MAKING"** was sent by hand-delivery this 24th day of July, 1996, to the following:

John A. Karousos
Federal Communications Commission
2000 M Street, N.W.
Room 554
Washington, D.C. 20554


Margie Sutton Chew